

**CITY OF ROCKVILLE  
COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT  
STAFF REPORT**

**TO:** Planning Commission

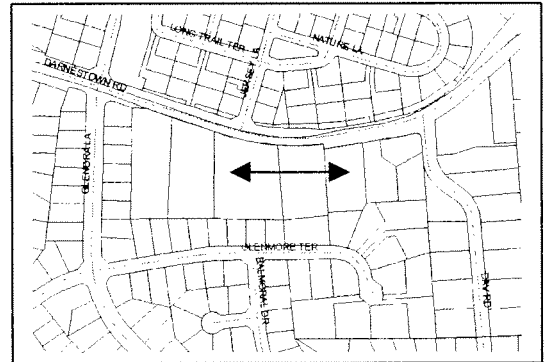
**FROM:** Jim Wasilak, Chief of Planning  
Bobby Ray, Principal Planner

**PLANNER:** Margaret M. Hall, Planner II

**DATE:** June 9, 2010 (Planning Commission Meeting)

**SUBJECT:** Final Record Plat PLT2010-00501  
9104, 9110 and 9150 Darnestown Road

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**RECOMMENDATION:** Approval, subject to the conditions noted on page 5.

**REQUEST:** The application requests resubdivision of three existing residential properties into a single record lot known as Lot 20, Block A in the Ivy Woods subdivision. (See Attachment A.) On April 14, 2010, the Planning Commission approved a Site Plan Application for the Kol Shalom (place of worship) development on this property. Combining the property into a single record lot is the next step in the process to develop the entire property with a place of worship. One of the three lots that make up the property is shown on subdivision plat number 7915 as Lot 15, Block A in the Ivy Woods subdivision. The other two lots have been transferred in the past by deed. Also included in the plat is 11,050 square feet of street dedication.

**RELEVANT ISSUES:**

- Whether the proposed street dedication meets the requirements imposed during the Project Plan and Site Plan stages by the Montgomery County Department of Permitting Services.
- Whether the new easements shown on the plat are located in the proper positions as required by the Department of Public Works and Forestry Division.

**PROJECT / SITE INFORMATION:**

Location: 9104, 9110 and 9150 Darnestown Road  
Applicant: Deb Finkelstein for Kol Shalom  
10301 Grosvenor Place #6  
North Bethesda, Maryland 20852  
Land Use Designation: Detached Residential  
(Low Density Less than 2.5 Units Per Acre)  
Zoning District: R-200, Suburban Residential  
Parcel Area: 209,698 square feet or 4.81399 acres total area  
Proposed Lot Size: 198,648 square feet or 4.56033 acres  
Proposed Street Dedication: 11,050 square feet or 0.253673 acres  
Current Use: Single Unit Detached Residential  
Proposed Use: Institutional

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	PD-FG, Planned Development- Fallsgrove	Comprehensive Planned Development	Single Unit Residential
South	R-90, Single Unit Detached Dwelling and Restricted Residential and R-200, Suburban Residential	Detached Residential (Medium Density 2.5 to 4 Units Per Acre) and Detached Residential (Low Density Less Than 2.5 Units Per Acre)	Single Unit Residential
East	R-200, Suburban Residential	Detached Residential (Low Density Less Than 2.5 Units Per Acre)	Single Unit Residential
West	R-90, Single Unit Detached Dwelling, Restricted Residential	Detached Residential (Medium Density 2.5 to 4 Units Per Acre)	Single Unit Residential (Special Exception Application SPX2010-00381 is pending for development of the site with a 90-unit assisted living facility.)

**PREVIOUS RELATED ACTIONS:**

- September 24, 2008 – Pre-Application Area Meeting
- March 4, 2009 – Pre-Application Submittal.
- March 26, 2009 – Pre-Application meeting with Development Review Committee (DRC)
- June 3, 2009 – Project Plan (PJT) Application Submittal
- July 9, 2009 – Application Review with DRC
- July 9, 2009 – Post Application Area Meeting
- July 22, 2009 – Project Briefing with Planning Commission
- July 27, 2009 – Project Briefing with Mayor and Council
- September 3, 2009 – Application Review with DRC (1<sup>st</sup> Revision)
- October 4, 2009 – Planning Commission Review for Recommendation to the Mayor and Council
- October 30, 2009 – Application for Level 2 Site Plan Approval Submitted
- November 23, 2009 – Mayor and Council Public Hearing
- December 3, 2009 – Mayor and Council Adopt Resolution Approving Project Plan Application
- April 14, 2010 – Planning Commission approves Site Plan Application STP2010-00022

**ANAYLSIS:**

**Master Plan recommendation:**

As noted during the Project Plan and Site Plan application stages, there is no specific recommendation made for these properties in the Comprehensive Master Plan. Two of the properties, 9150 and 9110 Darnestown Road, were in the midst of Annexation proceedings while the Master Plan was under review. By the time the Master Plan was adopted, the properties had been annexed but the Master Plan did not reflect the recently completed annexations. Prior to the Site Plan approval for a place of worship, two other development applications were approved, including an Alzheimer's facility and a daycare center. The property was also the subject of a five lot residential subdivision that went through the Preliminary Subdivision Plan process and the Final Record Plat process but had not been recorded among the Land Records when the current owners purchased the property.

**Zoning Compliance:**

The application proposes to resubdivide the property into a single record lot in order to develop it with a place of worship. The application is proposed in order to create a single record lot for the development. Resubdivision of the property into a single record lot is necessary in order to meet the requirements of Section 25.16.04.a and Section 25.03.02. Section 25.16.04.a requires that all required off-street parking and loading facilities be located on the same record lot as the use served and Section 25.03.02 requires that a buildable lot must be a record lot. Recordation of the plat among the Land Records of Montgomery County, Maryland must take place before a building permit can be issued.

Section 25.10.05, Development Standards requires that lots within the R-200 Zone must contain at least 20,000 square feet of land area and have a minimum width of 100 feet at the front setback line. This property contains 198,648 square feet of land, after 11,050 square feet of land is dedicated to public street. This property has approximately 618 feet of frontage along Darnestown Road.

Section 25.21.16.a. requires that when a tract proposed for subdivision "includes any part of a street, road or highway indicated on the Plan, such parts must be suitably incorporated by the subdivider in the preliminary and final plat." Since Darnestown Road is not a City street, the street width is dictated by Montgomery County. Montgomery County Department of Permitting Services staff has required that street dedication be granted equal to fifty feet off the centerline of the roadway. The street dedication on the plat reflects this requirement.

According to Section 25.21.08.c.5 and 25.21.10.b.3, record plats must contain all existing and proposed easements. The plat reflects proposed easements for stormwater management, a water meter and forest conservation. A ten-foot wide Public Utility Easement (PUE) is being granted on the plat along the entire frontage of the property.

Section 25.21.06, Adequate Public Facilities applies when a Preliminary Subdivision Plan is submitted. This subdivision did not require Preliminary Subdivision Plan approval as a prerequisite to the subdivision application because the application involves only one lot and because there is no extension of public facilities. However,

the adequacy of public facilities was addressed during the Project Plan and Site Plan stages, and was found to be adequate.

Section 25.21.16.c, Streets and Infrastructure requires that the subdivider must provide improvements in connection with the subdivision related to public water and sanitary sewer. To satisfy this requirement, Condition 3, requiring bonding and permitting from the City of Rockville Department of Public Works is being placed upon the recordation of the plat in order to assure that public sewer and water lines are extended to the site. Section 25.21.16.c also requires the same for roads. Since Darnestown Road is a County road, Condition 4 requiring bonds and permits to be obtained from Montgomery County's Department of Permitting Services, is being included in order to assure that roadway improvements including the installation of curb, gutter, sidewalks, entrance driveways and pavement widening are completed.

**RECOMMENDED CONDITIONS:**

1. That the Plat be revised to make modifications/additions, as identified on Planning Commission Exhibit "A" (in Planning Division file).
2. That the Final Record Plat be submitted in an appropriate electronic format as specified in Section 25.21.10.d of the City of Rockville Zoning Ordinance.
3. Post bonds and obtain permits from the City of Rockville's Department of Public Works for public water and sewer line extensions.
4. Post bonds and obtain permits from Montgomery County for work within the Darnestown Road right-of-way.

**PUBLIC OUTREACH:**

Notification of the receipt of the application and the meeting date was sent to one neighborhood association and 411 property owners within 750 feet of the subject application.

**CONCLUSION:** The property is currently made up of three lots – one appearing on a plat of subdivision and the other two being deeded lots. In order to implement the Site Plan approved by the Planning Commission on April 14, 2010 and comply with the Zoning Ordinance, the property needs to be consolidated into a single record lot. The approval of this plat satisfies Condition 4 of the approval granted for Site Plan

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May 28, 2010  
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Application STP2010-00022. It is also one of the steps necessary to allow the project to advance towards the issuance of a Building Permit.

**Attachments:**

Attachment A      The Final Record Plat application with a reduced copy of the Plat



Application for

# Subdivision Plan



Print Form

# PLT

2/09

## City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Type of Application Subdivision Plat

Preliminary Plat \_\_\_\_\_ Ownership Plat \_\_\_\_\_ Final Record Plat X Cluster Development \_\_\_\_\_

### Please Print Clearly or Type

Property Address Information 9110 Darnestown Road, Rockville, MD 20850

Property Size (square feet) 198,647 s.f. Lot (S) 1

Zoning R-200 Tax Account (S) 00055256, 00050232, 00148236

Proposed Subdivision Ivy Woods Lot 20 Block A

### Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Kol Shalom, 10301 Grosvenor Place, #6, Bethesda, MD 20852  
Debra Finkelstein, 301-493-8198, deb@kolshalom.com

Property Owner Kol Shalom, 10301 Grosvenor Place, #6, Bethesda, MD 20852  
Debra Finkelstein, 301-493-8198, deb@kolshalom.com

Architect Shinberg-Levinas, 4733 Bethesda Avenue, #550, Bethesda, MD 20814  
Salo Lavinias 301-493-8198, salo@shinberglevinas.com

Engineer Macris, Hendricks & Glascock, PA, 9220 Wightman Rd., Montgomery Village, MD 20886  
Mike Plitt, 301-670-0840, mplitt@mhgpa.com

Attorney \_\_\_\_\_

### STAFF USE ONLY

#### Application Acceptance:

Application # PLT 2010-00501

Date Accepted \_\_\_\_\_

Staff Contact \_\_\_\_\_

OR

#### Application Intake:

Date Received 5/3/2010

Reviewed by \_\_\_\_\_

Date of Checklist Review \_\_\_\_\_

Deemed Complete: Yes ☐ No ☐


Attachment A

Project Identification Kol Shalom

Application is hereby made with the City of Rockville Planning Commission for appeal of a Subdivision Plan for the property described on page 1.

***A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.***

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understood all procedures for filing this application.

Please sign here 

**Comments on Submittal: (For Staff Use Only):**

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Attached hereto and made a part of this application, I submit the necessary plans, specifications and other data or explanatory material as required by the Subdivision Regulation (Chapter 25, Article XV). All applications must include the original mylar and six (6) prints, showing the following:

☒ **1. Surveyor's Certificate**

- a. Show all recordation of conveyance with dates.
- b. Establish pipes and monuments.
- c. Give area of street dedication in square feet and acreage.
- d. Plan is certified correct and is sealed by a Maryland registered surveyor.

☐ **2. Owner's Dedication**

- a. Owner adopts plan of subdivision.
- b. Dedicate all streets to public use and/or to public use and private maintenance.
- c. Grant land as shown on the subdivision plan to proper HOA entity, Mayor and Council, etc.
- d. Establish minimum building restriction lines.
- e. All necessary easements to be established by plat including PUE's, (with PUE recordation information), grading and slope easements, sidewalk/bike path/pedestrian easements, utility easements, ingress/egress easements, etc.

**Note:** SWM easements to be shown on subdivision plan and locations verified with maintenance agreement location sketch. Forest Conservation easements are also established by a separate document but location should be shown on plat.

☐ **3. Easements and Rights of Way**

- a. Show all existing easements.
- b. Abandon all unnecessary easements, rights of way by separate document, and reference on plat.
- c. Locations of new utilities or other public improvements outside of rights-of-way match locations of new easements being established or shown as future/recorded on plat.
- d. Establish 10 PEUs along all public roadways.

☐ **4. Datum and North Arrow**

- a. Datum to be NAD 83/91 for new subdivisions, WSSC, original plat datum or other approved datum.
- b. North Arrow is shown on plat with datum and scale (maximum scale is 1" = 100').
- c. Show three (3) property corner coordinate values per plat.
- d. Minimum of two (2) monuments per block.

☐ **5. Adjacent Parcels**

- a. Show all adjacent plat/deed and owner information.

☐ **6. General Plat Information**

- a. Show all proposed or previously dedicated street names, and right-of-way widths. Give recordation information if applicable.
- b. Show all curve and line data.
- c. Show all lot numbers, blocks, and lot areas.
- d. Show all parcel letters, blocks, and parcel areas.
- e. All information shown on title block is correct and consistent with any predetermined subdivision name.
- f. Certification block for Planning Commission and City Manager.

☐ **7. Plat of Corrections**

- a. For correction plats, all previous information to be corrected should be clearly identified as such (with the use of dashed lines, stippled numbers, etc.), and all new information to be established uses heavier line weights or other methods to clarify its intent.
- b. Final plat to be accompanied by digital submission (DWG or DXF format).

